

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JACKSON BRYANT BAUGUS,

Defendant.

Cause No. CR 02-133-BLG-SPW

ORDER

Defendant Jackson Bryant Baugus moves the Court to reduce his sentence under 18 U.S.C. § 3582(c)(1)(A).

Baugus contests the evidence supporting his conviction. *See* Mot. Ex. (Doc. 321-1) at 4, 6–7. A motion under § 3582(c)(1)(A) is not an appropriate vehicle for relitigating the facts underlying his case.

Baugus meets part of the criteria for a reduction. *See* U.S.S.G. § 1B1.13 cmt. n.1(B)(i), (iii) (Nov. 1, 2018). The partial record attached to his motion, *see* Mot. Ex. (Doc. 321-1) at 10, does not support a finding that he is “experiencing a serious deterioration in physical . . . health because of the aging process.” *Id.* cmt. n.1(B)(ii). In addition, particularly in view of the nature of the offenses of conviction, the Court does not have sufficient information to find he “is not a

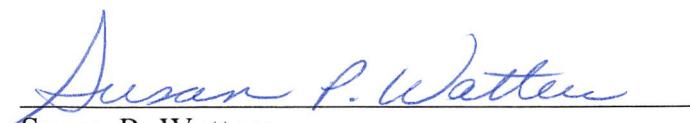
danger to the safety of any other person or to the community, as provided in 18 U.S.C. § 3142(g)." His age alone is not enough to demonstrate that he is not a danger. Unlike other offenders who commit offenses when they are young and then "age out" of criminal behavior, Baugus did not. He committed the offenses of conviction at the age of 58, when he was also not in the best of physical health.

See Presentence Report (Doc. 104-2) ¶¶ 123–127.

Finally, despite Baugus' report that he applied for compassionate release, *see* Mot. (Doc. 321) at 1, the United States reports that Baugus did not apply for compassionate release. *See* Resp. Ex. (Doc. 325-1) at 1. He must do so.

Accordingly, IT IS ORDERED that Baugus's motion to reduce the sentence (Doc. 321) is DENIED.

DATED this 15th day of April, 2020.



Susan P. Watters
United States District Court